



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Modified by 5889

Honorable G. J. Wilde
County Auditor
Nueces County
Corpus Christi, Texas

Dear Sir:

Opinion No. 0-3955-B
Re: Payment of the official
court reporters in the
28th District Court and
the Criminal District Court
at Corpus Christi, Texas.

Your letter of June 11, 1943, requesting the opinion of this department on the above stated matter, reads in part as follows:

"In your Opinion #0-3955 issued under date of November 5, 1941, your decision was that the salaries of the official court reporter of the 117th, 94th, 28th, and Criminal District Courts was to the effect it should not exceed \$2,700.00 per annum. Under date of January 24, 1942, this office addressed a letter to you with reference to the above mentioned opinion, in which we asked your further consideration of the matter, stating that we believed the legislative intent in Article 2326b was that reporters, in counties of large populations, should receive additional compensations.

"Under date of April 6, 1943, B. E. Alexander, court reporter of the 94th District Court, filed a suit against the county to recover the difference in the salary allowed under Article 2327a of \$2,700.00 per annum and that of Article 2326b under which he would receive compensation of \$3,000.00 per annum. The above mentioned suit was called for trial May 14, 1943, at which time a judgment was rendered by the 117th District Court

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that the plaintiff would be awarded the difference in salary and that hereafter the salary of the official court reporter of the 94th District Court and 117th District Court be paid on the basis of \$3,000.00, per annum.

"In view of the judgment rendered in which the shorthand reporter for the 117th and 94th District Courts are to be paid on the basis of \$3,000.00 per annum, would your opinion be changed with reference to the payment of the court reporter in the 28th District Court and Criminal District Court? In other words, do you believe they would be entitled to the increase on the per annum basis in Nueces County?

". . ."

Our Opinion No. 0-3955, referred to in your letter, is a limited conference opinion addressed to you and approved November 5, 1941. That opinion holds that the official shorthand reporters for each of the four named district courts (the 94th, 117th, 28th and the Criminal District Court) is entitled to the salary of \$2,700.00 per annum, each, in addition to the compensation for transcript fees and allowance for expenses now provided by law. At your request Opinion No. 0-3955 was reconsidered by this department in Opinion No. 0-3955-A wherein it was held "Upon reconsideration we have reached the conclusion that Limited Conference Opinion No. 0-3955 of this department is correct and we adhere to said ruling."

You state in effect that the official court reporter of the 94th District Court filed a suit against the county on or about April 6, 1943, to recover the difference in salary allowed under Article 2327a of \$2,700.00 per annum, and that of Article 2326b under which he would receive compensation of \$3,000.00 per annum. The suit was called for trial May 14, 1943, at which time a judgment was rendered by the 117th District Court that the plaintiff would be awarded the difference in salary and that hereafter the salary of the official court reporter of the 94th District Court and the 117th District Court be paid on the basis of \$3,000.00 per annum. Apparently no appeal has been taken from this judgment of the court and until such judgment is set aside or suspended by appeal the same will be controlling insofar as it affects the parties in said suit.

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However, we believe that our Opinion No. 9-3955 correctly construes the law applicable to the questions under consideration in said opinion. As the official court reporters of the 28th District Court and the Criminal District Court were not parties to the suit above mentioned, it is our opinion that the judgment of the court heretofore mentioned would have no application to said reporters. As stated in our Opinion No. 9-3955, it is our opinion that each of said reporters in the 28th District Court and the Criminal District Court are entitled to the salary of \$2,700.00 per annum, in addition to the compensation for transcript fees and allowance for expenses now provided by law.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JUN 25, 1943
[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

By *[Signature]*
Ardell Williams
Assistant

AN:db



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